

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 17-00246-01-CR-W-SRB
)
)
VICTOR RODRIGUEZ KESSEL,)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On October 22, 2019, the Grand Jury returned an eight-count Second Superseding Indictment charging Defendant Victor Rodriguez Kessel with conspiracy to distribute a controlled substance (a Class A felony), attempt to manufacture 280 grams or more of cocaine base (a Class A felony), possession with intent to distribute 28 grams or more of cocaine base (a Class B felony), possession with intent to distribute cocaine (a Class C felony), possession with intent to distribute less than 50 kilograms of marijuana (a Class D felony), using a communication facility to facilitate a drug conspiracy (a Class E felony), possession of a firearm in furtherance of a drug trafficking crime (a Class A felony), and felon in possession of a firearm (a Class C felony).

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Bradley Kent Kavanaugh/Sean Foley

Case Agent: Spc Agent Paul Shade

Defense: Sean W. Pickett

OUTSTANDING MOTIONS:

05/17/2019	70	NOTICE of filing <i>Government's Notice Pursuant to FRE Rule 404(b)</i> by USA as to Victor Rodriguez Kessel (Kavanaugh, Bradley) (Entered: 05/17/2019)
------------	----	---

TRIAL WITNESSES:

Government: 4-6 with stipulations; 19 without stipulations

Defendant: 1 witness, including the Defendant

TRIAL EXHIBITS:

Government: approximately 90 exhibits
Defendant: approximately 0 exhibits

DEFENSES: general denial

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 3.5-4 days total

Government's case including jury selection: 3-3.5 day(s)
Defendant: .5 day(s)

STIPULATIONS: none

UNUSUAL QUESTIONS OF LAW: none

FILING DEADLINES:

Witness and Exhibit List

Government: **Updated list(s) due on or before November 19, 2019.**

Proposed Witness List filed May 16, 2019

Proposed Exhibit List filed May 16, 2019

Defendant: **Due on or before November 19, 2019.**

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Due on or before November 27, 2019.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: None anticipated. Due on or before November 27, 2019.

TRIAL SETTING: Criminal jury trial docket set for December 2, 2019.

Please note: Government does not request a specific week of the trial docket. Defendant must have the first week of the trial docket as he is not available the second week.

IT IS SO ORDERED

/s/ Lajuana M. Counts
LAJUANA M. COUNTS
UNITED STATES MAGISTRATE JUDGE